DEPARTMENT OF HEALTH & HUMAN SERVICES

Public Health Service

Food and Drug Administration
Rockville MD 20857

#19

Re: Azopt™
Docket No.: 98E-0837

JAN 6 2000

The Honorable Q. Todd Dickinson
Assistant Secretary of Commerce and
Commissioner of Patents and Trademarks
Box Pat. Ext.
Assistant Commissioner for Patents
Washington, DC 20231

Dear Commissioner Dickinson:

This is in regard to the application for patent term extension for U.S. Patent No. 5,378,703, filed by Alcon Laboratories, under 35 U.S.C. § 156 et seq. We have reviewed the dates contained in the application and have determined the regulatory review period for Azopt™, the human drug product claimed by the patent.

The total length of the regulatory review period for Azopt™ is 2,049 days. Of this time, 1,620 days occurred during the testing phase and 429 days occurred during the approval phase. These periods of time were derived from the following dates:

1. The date an exemption under subsection 505(i) of the Federal Food, Drug, and Cosmetic Act involving this drug product became effective: August 23, 1992.

   The applicant claims July 24, 1992, as the date the Investigational New Drug application (IND) became effective. However, FDA records indicate that the IND effective date was August 23, 1992, which was thirty days after FDA receipt of the IND.

2. The date the application was initially submitted with respect to the human drug product under section 505 of the Federal Food, Drug, and Cosmetic Act: January 28, 1997.

   FDA has verified the applicant's claim that the new drug application (NDA) for Azopt ™ (NDA 20-816) was initially submitted on January 28, 1997.

3. The date the application was approved: April 1, 1998.

FDA has verified the applicant's claim that NDA 20-816 was approved on April 1, 1998.

This determination of the regulatory review period by FDA does not take into account the effective date of the patent, nor does it exclude one-half of the testing phase as required by 35 U.S.C. § 156(c)(2).

Please let me know if we can be of further assistance.

Sincerely yours,

Jane A. Axelrad

Jane A. Axelrad
Associate Director for Policy
Center for Drug Evaluation and Research

cc: Sally S. Yeager
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